

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

SANTEE SIOUX NATION,

Plaintiff,

vs.

ROSELYN TSO, in her official capacity as  
Director of the Indian Health Service; UNITED  
STATES INDIAN HEALTH SERVICE,  
XAVIER BECERRA, in his official capacity as  
Secretary of Health and Human Services;  
UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES, UNITED  
STATES DEPARTMENT OF THE  
TREASURY, BUREAU OF THE FISCAL  
SERVICE, TIMOTHY GRIBBEN, in his  
official capacity as Commissioner Bureau of  
Fiscal Service; and THE UNITED STATES OF  
AMERICA,

Defendants.

**8:23CV530**

**ORDER ON JOINT STIPULATION TO  
WITHDRAW EMERGENCY MOTION  
FOR TEMPORARY RESTRAINING  
ORDER AND PRELIMINARY  
INJUNCTION**

This matter is before the Court on the parties' Joint Stipulation to Withdraw Emergency Motion for Temporary Restraining Order and Preliminary Injunction. [Filing 13](#). In the Joint Stipulation, signed by counsel for all parties, the parties agree that plaintiff Tribe shall withdraw its Emergency Motion for Temporary Restraining Order and Preliminary Injunction, [Filing 1](#); [Filing 2](#), on terms stated in the Joint Stipulation. [Filing 13 at 1–2](#). In most pertinent part, the parties stipulate that HHS and IHS, through the HHS Program Support Center (PSC), has informed the Tribe (through counsel) that HHS and IHS have recalled the debt in dispute in this matter (the “disputed debt”) from the U.S. Department of Treasury’s (Treasury) Treasury Offset Program (TOP), and that HHS and IHS are not currently collecting on the disputed debt. [Filing 13 at 1–2](#).

The parties stipulate further that in return for the Tribe's commitments to (i) withdraw its motion for a temporary restraining order; (ii) not file a motion for a preliminary injunction; and (iii) negotiate a reasonable schedule with Defendants for resolving this matter on cross-motions for summary judgment (or other dispositive motions), HHS and IHS agree not to re-refer the disputed debt for further collection efforts until the Tribe's lawsuit is resolved on the merits, including any appeals. [Filing 13 at 2](#). The parties also agree that the Tribe's withdrawal of the Emergency Motion for Temporary Restraining Order and Preliminary Injunction shall be without prejudice to refiling if certain conditions are not met. [Filing 13 at 2](#). Finally, the parties agree to certain deadlines for further proceedings in this case. [Filing 13 at 2](#).

Accordingly,

IT IS ORDERED that

1. The parties' Joint Stipulation to Withdraw Emergency Motion for Temporary Restraining Order and Preliminary Injunction, [Filing 13](#), is granted and the Tribe's Emergency Motion for Temporary Restraining Order and Preliminary Injunction, [Filing 1](#); [Filing 2](#), is deemed withdrawn on all terms stated in the Joint Stipulation, [Filing 13 at 1–2](#), even if all of those terms are not reiterated here. *See* [Filing 13 at 1–4](#). Withdrawal of the Emergency Motion is without prejudice to refiling if conditions set out in the parties' Joint Stipulation, [Filing 13 at 2](#) (¶ 5), are not met.

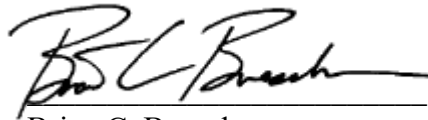
2. The hearing on the Tribe's Motion for Temporary Restraining Order and Preliminary Injunction, [Filing 1](#); [Filing 2](#); [Filing 3](#), previously scheduled for Monday, December 11, 2023, at 10:00 a.m. CST, [Filing 6](#), is canceled.

IT IS FURTHER ORDERED that pursuant to the parties' Joint Stipulation,

1. Defendants will file an Answer by February 2, 2024;
2. Plaintiff and Defendants shall confer and file a Joint Report of Parties' Planning Conference, *i.e.*, Rule 26(f) Report, on or before March 4, 2024, to address: (1) the deadline for Defendants' filing of the Administrative Record in this matter; (2) a deadline for filing any motions to supplement the Administrative Record or conduct discovery; and (3) if no motion to supplement the Administrative Record or conduct discovery is filed, a proposed briefing schedule for the parties' respective dispositive motions.

Dated this 8th day of December, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher  
United States District Judge